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Roberta A. Winzeler

(Name)

Roberta A. Winzeler

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Thomas W. Obrock and  
Peter F. Gerhardinger

) Examiner: L. Mai

)  
Serial No: 09/934,943  
Filed: August 22, 2001

) Art Unit: 3637

)  
Patent No. 6,786,562 B2  
Issued: September 7, 2004

) Attorney Docket No. : 1-15090

)  
For: REFRIGERATOR SHELF  
AND METHOD OF MAKING  
THE SAME

August 19, 2005 | 08/23/2005 HDEMESS2 00000075 131816 09934943  
01 FC:1501 315.00 DA 1085.00 OP

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**NOTIFICATION OF ESTABLISHMENT OF  
SMALL ENTITY STATUS BY ERROR,  
PURSUANT TO 37 CFR §1.28(c)**

Honorable Sir:

On August 22, 2001, a small entity statement was filed in application Serial No. 09/934,943, now Patent No. 6,786,562 B2, in good faith.

Applicants' undersigned counsel has now discovered and determined that, in the above-noted instance for fees paid subsequent to August 1, 2002, such status as a small entity may have been established in error. Accordingly, such status is hereby withdrawn.

Adjustment date: 08/23/2005 HDEMESS2  
06/17/2004 HAHHEDE2 00000043 09934943  
01 FC:1501 -665.00 OP

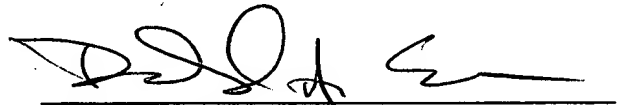
Upon reviewing the file history, the following deficient fee payment has been noted in this application, Serial No. 09/934,943:

- 1) Fee of \$980 for payment of issue fee, paid on June 9, 2004. The current amount of same is calculated to be \$1,400. The amount of deficiency equals \$420.

A check in the amount of \$420 is attached to cover the total amount of the deficiencies between the amount of the fees paid and the amount due under the current United States Patent and Trademark Office fee schedule. Although there has been a good faith effort to identify each and every deficient fee paid and the amount of such deficiency, please charge any additional fees or further deficiency in any fee paid (or credit any overpayment) to Deposit Account No. 13-1816.

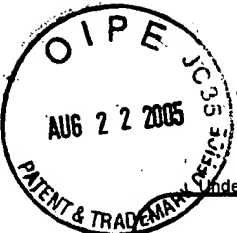
A duplicate of this paper is attached.

Respectfully submitted.



Donald A. Schurr  
Registration No. 34,247  
Attorney of Record

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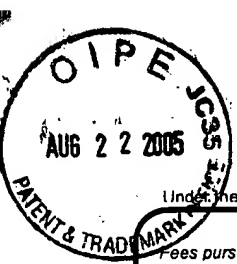
|   |                      |                        |         |
|---|----------------------|------------------------|---------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 09/934,943             |         |
|   | Filing Date          | August 22, 2001        |         |
|   | First Named Inventor | Thomas W. Obrock       |         |
|   | Art Unit             | 3637                   |         |
|   | Examiner Name        | L. Mai                 |         |
| Total Number of Pages in This Submission  | 4                    | Attorney Docket Number | 1-15090 |

| ENCLOSURES (Check all that apply)  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br><br>Return Postcard<br>Duplicate Copy of Notification |
| <b>Remarks</b><br><br>Notification of Establishment of Small Entity Status by Error<br>Check in the amount of \$420  |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                          |                 |
|--|--------------------------|-----------------|
| Firm Name                                  | MARSHALL & MELHORN, LLC. |                 |
| Signature                                  |                          |                 |
| Printed name                               | Donald A. Schurr         |                 |
| Date                                       | 8-19-05                  | Reg. No. 34,247 |

| CERTIFICATE OF TRANSMISSION/MAILING   |                     |              |
|---|---------------------|--------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |                     |              |
| Signature   |                     |              |
| Typed or printed name   | Roberta A. Winzeler | Date 8-19-05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) \$420**Complete if Known**

|                      |                  |
|----------------------|------------------|
| Application Number   | 09/934,943       |
| Filing Date          | August 22, 2001  |
| First Named Inventor | Thomas W. Obrock |
| Examiner Name        | L. Mai           |
| Art Unit             | 3637             |
| Attorney Docket No.  | 1-15090          |

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 13-1816 Deposit Account Name: MARSHALL & MELHORN, LLC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 50       | 25                    |
| 200      | 100                   |
| 360      | 180                   |

**Total Claims****Extra Claims****Fee (\$)****Fee Paid (\$)**

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims****Extra Claims****Fee (\$)****Fee Paid (\$)**

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims****Fee (\$)****Fee Paid (\$)****3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof        | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|---|----------|---------------|
| _____        | _____        | _____ / 50 = _____ (round up to a whole number) x _____ | _____    | _____         |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notification of Establishment of Small Entity Status by Error**Fees Paid (\$)**

\$420

**SUBMITTED BY**

Signature

Registration No.  
(Attorney/Agent) 34,247

Telephone 419-249-7145

Name (Print/Type)

Donald A. Schurr

Date

8-19-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.